IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE TWENTY NINETH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 10775 of 2004

Between:

1 Vanam Kumara Swamy S/o Laxminarayana, r/o 21-18/5, Sharadanagar, Road No.4 Dilsukhnagar, Hyderabad
2 Vanam Chandrudu S/o V. Laxminarayana, r/o 11-13-180/3/2, Road No.1, Green Hills colony, Kothapet, Hyderabad
3 Vanam Ramulu S/o V. Laxminarayana, R/o H. No. 11-13-935, Road No.1, Green Hills Colony, Kothapet, Hyderabad
4 Vanam Vajralingam S/o V. Laxminarayana, R/o H. No. 11-13-935, Road No.1, Green Hills Colony, Kothapet, Hyderabad

..... PETITIONERS

AND

1 The Commissioner, L.B. Nagar Municipality, at L.B. Nagar, Hyderabad
2 Hyderabad Urban Development Authority rep. By its Chairman, Hyderabad
3 Vanam Laxminarayana, S/o Late V. Narasimhulu, R/o Plot No. A-68, Green Hills Colony, Kothapet, RR. District
4 Smt. V. Kowsalyamma, W/o Laxminarayana, R/o Plot No. A-68, Road No.3, Green Hills Colony, Kothapet, RR. District

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RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ order or direction, more particularly one in the nature of writ of Mandamus, declaring the action of the Respondent Nos. 1 and 2 herein in not taking any action upon the representation dt 12-5-2004 submitted by the petitioners requesting to prevent the Respondent Nos. 3 and 4 from making any construction in the premises bearing No.1-100/2, admeasuring 612 Sq. yds., situated in Sy. Nos. 65 & 66 of Lingojiguda Village, Saroornagar (M) RR. District as illegal, arbitrary unjust and consequently direct the respondent Nos. 1 and 2 herein to forthwith stop the construction work being carried on by the respondent. Nos. 3 & 4 in the above premises.

For the Petitioners: MR. D. RAMAN GOPAL, Advocate

For the Respondent No.1: Mr. R. Timma Reddy, SC for Municipality
For the Respondent No.2: Mr. B. Viswanatha Reddy, SC for HUDA

The Court at the admission stage made the following :

ORDER:

Heard the learned counsel for the petitioners and the learned Standing Counsel for first respondent-Municipality as well as second respondent-Hyderabad Urban Development Authority (HUDA) and with their consent, the writ petition itself is taken up for final disposal at the admission stage.

Aggrieved by the action of respondents 1 and 2 in not taking any action on the

representation, dated 12-5-2004 submitted by the petitioners to prevent respondents 3 and 4 from making any construction in the premises bearing No.1-100/2, admeasuring 612 square yards situated in survey Nos.65 and 66 of Lingojiguda village, Saroornagar Mandal of Ranga Reddy District, the petitioners filed this writ petition.

Petitioners are sons of respondents 3 and 4. It is alleged that the property in question is their ancestral property, and in relation thereto, civil suits are pending between them. While so, respondents 3 and 4 are making constructions in the said property to complicate the issue in the civil suits. In order to stop the construction, petitioners made a representation dated 12-5-2004 to the first respondent-Municipal Commissioner with a copy marked to the second respondent-HUDA, seeking necessary action in that regard, but no action has been taken. Hence, the writ petition.

Inasmuch as civil suits are pending between petitioners and respondents 3 and 4 in respect of the property in question, the proper remedy of the petitioners is to approach the civil court where the suits are pending and seek appropriate orders.

Therefore, I see no reason to direct respondents 1 and 2 to act on the representation submitted by the petitioners. Accordingly, the writ petition is dismissed. No costs.

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N.V. RAMANA, J

Date: 29-06-2004

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To
1. The Commissioner, L.B. Nagar Municipality, L.B. Nagar, Hyderabad
2. The Chairman, Hyderabad Urban Development Authority, Hyderabad.
3. Two CD copies.